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December 18, 2003

VIA ELECTRONIC MAIL AND 1ST CLASS MAIL SERVICE

The Honorable Bruce Duke
Deputy Executive Director
South Carolina Public Service Commission
Post Office Drawer 11649
Columbia, South Carolina 29211

RE: Continued Availability of High Capacity Loops at Certain Locations and
Unbundled High Capacity Transport on Certain Routes Pursuant to the
Federal Communication Commission's Triennial Review Order
Docket No. 2003-327-C, *Our File No. 528-10210*

Dear Mr. Duke:

Enclosed is the original and fifteen (15) copies of **NuVox Communications, Inc.'s
Objections to BellSouth Telecommunications, Inc.'s First Set of Interrogatories and Requests
for Production** for filing in the above-referenced docket.

Please acknowledge your receipt of this document by file-stamping the copy of this
letter enclosed, and returning it in the enclosed envelope. If you have any questions or need
additional information, please do not hesitate to contact me.

With kind regards, I am

Very truly yours,

/S/

John J. Pringle, Jr.

JJP/cr

cc: Hamilton E. Russell, Esquire [via electronic mail]
Patrick Turner, Esquire [via electronic mail]

Enclosures

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**BEFORE THE
SOUTH CAROLINA
PUBLIC SERVICE COMMISSION
DOCKET NO. 2003-327-C**

IN RE:

Continued Availability of Unbundled High)
Capacity Loops at Certain Locations and)
Unbundled High Capacity Transport on Certain)
Routes Pursuant to the Federal Communication)
Commission's Triennial Review Order)
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**NUVOX COMMUNICATIONS, INC.'S OBJECTIONS TO BELL SOUTH
TELECOMMUNICATIONS, INC.'S FIRST SET OF INTERROGATORIES
AND REQUESTS FOR PRODUCTION**

NuVox Communications, Inc. ("NuVox"), pursuant to Rules 26 and 34 of the South Carolina Rules of Civil Procedure ("SCRCP"), and Rules 103-851 and 103-854 of the Rules and Regulations of the South Carolina Public Service Commission (the "Commission"), objects generally and specifically to BellSouth Telecommunications, Inc.'s ("BellSouth") First Set of Interrogatories and Requests For Production ("BellSouth's Interrogatories") to NuVox, served on December 8, 2003 and described below. NuVox files these objections for purposes of complying with the ten (10) day requirement contained in the Proposed Initial Procedural Order (the "*Procedural Order*") submitted by CompSouth and BellSouth to the Commission.

NuVox's objections are preliminary in nature. NuVox reserves the right to amend, supplement, or revise these objections, and assert additional objections, should NuVox discover additional grounds for objecting at any time prior to hearing. Capitalized terms used herein and not otherwise defined herein shall have the meanings ascribed to them in the BellSouth Interrogatories.

General Objections to BellSouth's Interrogatories and Request For Production

1. NuVox objects to BellSouth's Interrogatories to NuVox to the extent that the interrogatories and requests for production are overly broad, lack specificity, are unduly burdensome, irrelevant and not likely to lead to the discovery of admissible evidence pursuant to the Procedural Order or the SCRCP.

2. NuVox objects to BellSouth's Interrogatories to NuVox to the extent that the interrogatories and request for production and request for production seek discovery of information protected by attorney-client privilege, the work product doctrine, the accountant-client privilege, or any other applicable privilege.

3. NuVox objects to BellSouth's Interrogatories to NuVox to the extent that the interrogatories and request for production purport to impose discovery obligations on NuVox beyond the scope of, what is permitted under the Procedural Order, and the applicable SCRCP.

4. NuVox objects to BellSouth's Interrogatories to NuVox to the extent that the interrogatories and request for production and request for production purport to seek discovery of matters other than those subject to the jurisdiction of the Commission pursuant to the Federal Communications Commission's ("FCC") Triennial Review Order ("TRO") or the South Carolina Code.

5. NuVox objects to all Interrogatories which require the disclosure of information which already is in the public domain, which BellSouth already has possession of or unrestricted access to, and information that is otherwise on record with the Commission or the FCC.

6. NuVox objects to BellSouth's Interrogatories to NuVox to the extent that the interrogatories and requests for production seek information and discovery of facts known and

opinions held by experts acquired and/or developed in anticipation of litigation or for hearing and outside the scope of discoverable information pursuant to the SCRCF.

7. Pursuant to the Procedural Order, the TRO and the South Carolina Rules of Civil Procedure, to the extent that BellSouth's Interrogatories request specific financial, business or proprietary information regarding NuVox's economic business model, NuVox objects to providing or producing any such information on the grounds that those requests presume that the market entry analysis is contingent upon NuVox economic business model instead of the hypothetical business model contemplated by the TRO.

Specific Objections

14. Provide a list of all BellSouth wire centers in the Southeastern states to which you are currently in the process of deploying, or plan to deploy transport facilities and/or loop facilities. List wire centers if this deployment is in process or will take place from the time period beginning October 1, 2003 through December 31, 2004.

OBJECTION: NuVox objects on the grounds that the information sought is irrelevant to the issues in this docket and not reasonably calculated to lead to the discovery of admissible evidence. At paragraphs 335 and 410, the TRO establishes factors that the Commission should consider in any analysis of a loop and transport potential deployment case. the information sought by BellSouth is beyond the scope of the factors established by the FCC. In addition, the information sought by this interrogatory is highly proprietary and confidential, and the disclosure of this information could be damaging to NuVox's business. NuVox does not intend to provide this information to BellSouth absent a Motion to Compel and Order from the Commission requiring NuVox to do so.

15. List all BellSouth wire centers in the Southeastern states where you have collocation, either virtual or physical. In Microsoft Excel format, list the 11-character wire center CLLI code and the CLLI code designating each arrangement you have within that wire center. For each wire center listed identify:

- a. the type of collocation (caged, cageless, shared, virtual, other (with a description)) and identify the total amount of space currently occupied and reserved for future growth;
- b. the type of equipment and number of equivalent DS0 channels for all services in the collocation space (e.g., DLC, remote switches, multiplexers, transmission terminals, etc.).
- c. the transmission facilities and number of equivalent DS0 channels for all services used to connect the office to your switch or non-ILEC switching provider (e.g., BellSouth UNEs, BellSouth special access, self provision, third party provision).
- d. the amount of unused or excess space in each collocation space.
- e. the number of active and inactive DS1 cross connects
- f. the number of active and inactive DS3 Cross-connects
- g. the number of active and inactive 2-fiber cross-connects
- h. the number of active and inactive 4-fiber cross-connects.
- i. State whether you have deployed fiber “entrance” facilities that you own which connect to the collocation arrangements identified.
- j. State whether you have fiber “entrance” facilities that you have obtained from a person other than BellSouth which connect to the collocation arrangements identified.
- k. State whether you have fiber cross-connects which connect the identified arrangement(s) to other persons collocated at the same wire center. If yes, (i) identify all carriers to which your arrangements are connected within the wire center; and (ii) identify the capacity or type of connection.

OBJECTION: NuVox objects on the grounds that, to the extent NuVox's collocations are in BellSouth central offices, the information is already available to BellSouth and to require NuVox to reproduce it would be onerous, unreasonable and unduly burdensome. Carriers collocating in BellSouth's central offices must complete detailed application forms for submission to BellSouth including detailed information on the type of collocation requested, the equipment to be installed in the collocation space and the number and type of cross-connects required. BellSouth bills all collocators monthly recurring charges for the use of collocation space and for cross- connects. The collocation application also includes information on the number of DS0 equivalents. NuVox objects to interrogatory No. 15 on the grounds it is oppressive and unduly burdensome and seeks proprietary and confidential business information. NuVox objects to subparts "i" and "j" because entrance facilities have been delisted by the TRO and are not included within the definition of "transport" as redefined in the TRO.

16. Provide a list of all BellSouth wire centers and/or central offices in the Southeastern states to which you have deployed high capacity transport facilities that are operationally ready to provide dedicated transport along a route, directly, or indirectly through a location not affiliated with BellSouth, to one other BellSouth central office. the facilities must terminate to an active collocation arrangement. This interrogatory varies from Interrogatory No. 1 in this docket as it seeks wire centers/central offices even if you are not actually providing transport from the locations; it also seeks wire centers/central offices that your facilities route through directly or indirectly. For example, in answering this Interrogatory, provide information about facilities that may indirectly provide transport along a route, for example, using the diagram below, the IXC transport route should be identified:

BST wire center→IXC POP←→IXC POP→BST wire center

For each central office or wire center that you list, identify:

- a. the CLLI code of the central office.
- b. the type of collocation at which the facilities terminate;
- c. the customer name of record for the collocation arrangement and the 11-character CLLI code for the collocation arrangement;

- d. Indicate whether the facilities are provided over dark fiber you have obtained from BellSouth;
- e. the total active capacity and number of fiber strands deployed as of the most recent date available;
- f. Whether you are able and able immediately to provide DS1 transport, on a wholesale basis, over the transport facilities;
- g. Whether you are willing and able immediately to provide DS3 transport, on a wholesale basis, over the transport facilities;
- h. Whether you are willing and able immediately to provide dark fiber transport, on a wholesale basis, over the transport facilities.

For each central office or wire center that you list, identify:

- a. the CLLI code of the central office.
- b. the type of collocation at which the facilities terminate;
- c. the customer name of record for the collocation arrangement and the 11-character CLLI code for the collocation arrangement
- d. the total active capacity and number of fiber strands deployed as of the most recent date available;
- e. the type of facility (e.g., fiber, coaxial cable, etc.).

OBJECTION: NuVox objects on the grounds that, to the extent NuVox's collocations are in BellSouth central offices, the information is already available to BellSouth and to require NuVox to reproduce it would be onerous, unreasonable and unduly burdensome. NuVox objects on the grounds that the information sought is irrelevant and not reasonably calculated to lead to the discovery of admissible evidence.

17. For each central office/wire center identified in response to Interrogatory No. 16:
- Are your transport facilities operationally ready to provide dedicated transport between the central office/wire center identified and any other ILEC wire center on the same list?
 - If your responses to part (a) above is negative, identify each such the ILEC central offices on the list that does not satisfy part (a) and explain with particularity why not.

OBJECTION: NuVox objects on the grounds stated in its objections to Interrogatory 16. NuVox does not intend to provide this information to BellSouth absent a Motion to Compel and Order from the Commission requiring NuVox to do so.

18. Provide a list of all BellSouth wire centers and/or central offices in the Southeastern states from which you offer to other carriers on a wholesale basis DS1 or higher transport facilities, or dark fiber transport facilities that provide a route, directly, or indirectly through a location not affiliated with BellSouth, to one other BellSouth central office. the facilities must terminate to an active collocation arrangement. *This interrogatory varies from Interrogatory No.2 in this docket as it seeks wire centers/central offices that your facilities route through directly or indirectly. For example, in answering this Interrogatory, provide information about facilities that may indirectly provide transport along a route, for example, using the diagram below, the transport route between IXC – points of presence (“POP”) should be identified:*

BST wire center→IXC POP←→IXC POP→BST wire center

For each central office or wire center that you list, identify:

- the CLLI code of the central office.
- the type of collocation at which the facilities terminate;

- g. the customer name of record for the collocation arrangement and the 11-character CLLI code for the collocation arrangement;
- h. Indicate whether the facilities are provided over dark fiber you have obtained from BellSouth;
- i. the total active capacity and number of fiber strands deployed as of the most recent date available;
- j. Whether you are able and able immediately to provide DS1 transport, on a wholesale basis, over the transport facilities;
- k. Whether you are willing and able immediately to provide DS3 transport, on a wholesale basis, over the transport facilities;
- l. Whether you are willing and able immediately to provide dark fiber transport, on a wholesale basis, over the transport facilities.

OBJECTION: NuVox objects on the grounds stated in its objections to Interrogatory 16. NuVox does not intend to provide this information to BellSouth absent a Motion to Compel and an Order from the Commission requiring NuVox to do so.

19.. For each central office/wire center identified in response to Interrogatory No. 17:

- a. Are you willing and able immediately to provide high capacity transport, on a wholesale basis, over transport facilities between the wire central office/wire center identified and any other ILEC wire center on the same list?
- b. If your responses to part (a) above is negative, identify each such the ILEC central office/wire center on the list that does not satisfy part (a) and explain with particularity why not.

OBJECTION: NuVox objects on the grounds stated in its objections to Interrogatory 16. NuVox does not intend to provide this information to BellSouth absent a Motion to Compel and an Order from the Commission requiring NuVox to do so.

20. Identify the points within all the Southeastern states at which you connect your local network facilities to the networks of other carriers, including but not limited to interconnection with other CLECs, interexchange carriers, internet service providers at any point of presence (“POP”), network access point (“NAP”), collocation hotels, data centers, or similar facility. This interrogatory may be answered with network diagrams.

OBJECTION: NuVox objects on the grounds that the information requested is irrelevant, not reasonably calculated to lead to discovery of admissible evidence, unduly burdensome and seeks proprietary and confidential business information. the TRO redefined transport so as to limit it to transmission facilities between incumbent local exchange carrier switches or wire centers. the points at which NuVox connects to the networks of carriers and firms other than BellSouth is irrelevant to whether NuVox could potentially deploy a high capacity loop from its network to a specific customer location or provide high capacity transport. Interrogatory 20 seeks information which is beyond the scope of the TRO and, thus, irrelevant to this proceeding. The FCC expressly rejected adoption of an impairment test based on each link between two incumbent local exchange carrier offices (so called “daisy chaining”) at paragraph 402 of the TRO. NuVox does not intend to provide this information to BellSouth absent a Motion to Compel and Order from the Commission requiring NuVox to do so.

21. Identify the points within all the Southeastern states at which you connect your local network facilities to BellSouth’s network, including but not limited to any and all points of presence (“POP”). This interrogatory may be answered with network diagrams.

OBJECTION: NuVox objects on the grounds that, as applied to NuVox, the information requested is irrelevant, not reasonably calculated to lead to discovery of admissible evidence, is unduly burdensome, and seeks proprietary and confidential business information. the TRO redefined transport so as to limit it to transmission facilities between incumbent local exchange carrier switches or wire centers. Interrogatory 21 seeks information which is beyond the scope of the TRO and, thus, irrelevant to this proceeding. The FCC expressly rejected adoption of an impairment test based on each link between two incumbent local exchange carrier offices (so called “daisy chaining”) at paragraph 402 of the TRO. NuVox objects on the grounds that BellSouth is in possession of the information sought regarding connections to its network. NuVox does not intend to provide this information to BellSouth absent a Motion to Compel and Order from the Commission requiring NuVox to do so.

22. On an MSA-specific basis, in the southern states please describe with specificity the configuration of your transport and/or loop facilities; including, but not limited to: (a) the

configuration of your facilities (e.g., point to point or ring configuration); (b) the customer specific locations that are accessible from your facilities; and (c) a list of all customer units accessible in a multi-tenant building.

OBJECTION: NuVox objects on the grounds that the information requested is irrelevant, not reasonably calculated to lead to discovery of admissible evidence, is unduly burdensome, and seeks proprietary and confidential business information. Information on the configuration of NuVox's transport or loop facilities is irrelevant to this proceeding. The FCC expressly rejected adoption of an impairment test based on each link between two incumbent local exchange carrier offices (so called "daisy chaining") at paragraph 402 of the TRO. NuVox does not intend to provide this information to BellSouth absent a Motion to Compel and Order from the Commission requiring NuVox to do so.

23. Provide a list of all fiber rings in the Southeastern states you own or control and identify the location (by street address) of each add-drop multiplexer or comparable facility for connection other transport facilities (e.g., wire centers, loops, other fiber rings) to the fiber ring.

OBJECTION: NuVox objects on the grounds that the information requested is irrelevant, not reasonably calculated to lead to discovery of admissible evidence, is unduly burdensome, and seeks proprietary and confidential business information. In paragraphs 335 and 410 of the TRO, the FCC establishes the factors to be considered in a potential deployment case. The information sought by BellSouth is beyond the scope of these factors. The FCC expressly rejected adoption of an impairment test based on each link between two incumbent local exchange carrier offices (so called "daisy chaining") at paragraph 402 of the TRO. NuVox does not intend to provide this information to BellSouth absent a Motion to Compel and Order from the Commission requiring NuVox to do so.

24. Identify each shared or non-BellSouth location (e.g., collocation hotel) in the Southeastern states in which you are located. For each such location state:

- a. the type of collocation or sharing/leasing of space for placement of equipment (e.g., caged, cageless, shared, or virtual);
- b. the type of equipment and number of equivalent DS0 channels for all services in the collocation space (e.g., DLC, remote switches, multiplexers, transmission terminals, etc.).

- c. the transmission facilities and number of equivalent DS0 channels for all services used to connect the office to your switch or non-ILEC switching provider (e.g., BellSouth UNEs, BellSouth special access, self provision, third party provision).

OBJECTION: NuVox objects on the grounds that the information requested is irrelevant, not reasonably calculated to lead to discovery of admissible evidence, is unduly burdensome, and seeks proprietary and confidential business information. Specifically, the information sought by this interrogatory is beyond the scope of the definition of transport as redefined by the TRO. The FCC expressly rejected adoption of an impairment test based on each link between two incumbent local exchange carrier offices (so called “daisy chaining”) at paragraph 402 of the TRO. NuVox does not intend to provide this information to BellSouth absent a Motion to Compel and Order from the Commission requiring NuVox to do so.

25. For each arrangement identified in response to Interrogatory 23 and in response to Interrogatory 16, please list the types of services that are provided utilizing such an arrangement.

- a. List all types of services you offer to your end-users from each collocation space describe or demand and the quantity of each service you provide and/or offer.
- b. For each service identified in (a), list the average monthly revenue associated with each type of service.

OBJECTION: NuVox objects on the grounds that the information requested is irrelevant, not reasonably calculated to lead to discovery of admissible evidence, is unduly burdensome, and seeks proprietary and confidential business information. Specifically, the information sought by this interrogatory is beyond the scope of the definition of transport as redefined by the TRO. The FCC expressly rejected adoption of an impairment test based on each link between two incumbent local exchange carrier offices (so called “daisy chaining”) at paragraph 402 of the TRO. NuVox does not intend to provide this information to BellSouth absent a Motion to Compel and Order from the Commission requiring NuVox to do so.

26. Provide a list of all customer locations in each/any of the Southeastern states at which you have deployed high capacity loop facilities (DS3 or greater facilities, including dark fiber) that you own and where you are serving customers using those facilities. *This interrogatory varies from Interrogatory No. 8 in this docket as it is not limited to loop facilities solely used to provide retail service.* For each customer location, identify:

- a. the RSAG valid address of the customer location;
- b. the CLLI code of the CLEC switch, wire center, collocation, point of interconnection, etc. from which the loop is extended to the customer location (by 11 character CLLI);
- c. Whether you have the unrestricted ability to serve all customers at that location, if the location is a multi-tenant location. If not, explain with particularity why not, including any restrictions on your ability to serve customers and the steps you have taken to address such restrictions.
- d. the total active capacity and the number of fiber strands on your facilities at the specific customer locations using the most recent data available;
- e. Whether your facilities are operationally ready to provide DS3 loops at the specific customer location.

OBJECTION: NuVox objects to on the grounds that the information requested is irrelevant, not reasonably calculated to lead to discovery of admissible evidence, is unduly burdensome, and seeks proprietary and confidential business information. the information sought goes beyond the FCC's definition of a loop which is the transmission facility between an incumbent LEC central office and an end user's premises. NuVox does not intend to provide this information to BellSouth absent a Motion to Compel and Order from the Commission requiring NuVox to do so.

- c. Describe with particularity all factors you consider when deciding whether to extend high capacity loop or transport facilities to:
 - d. pick up additional traffic;
 - e. pick up additional or new customers;
 - f. pick up additional or new buildings.

OBJECTION: NuVox objects to on the grounds that the information requested is irrelevant, not reasonably calculated to lead to discovery of admissible evidence, is unduly burdensome, and seeks proprietary and confidential business information.

REQUESTS FOR PRODUCTION

1. Produce any maps and/or diagrams that illustrate the most current information available for the physical location of your high capacity transport and/or loop facilities within the Southeastern states.

OBJECTION: NuVox objects to this request for production on the grounds that it seeks confidential, proprietary business information the disclosure of which could be damaging to NuVox's business. NuVox does not intend to provide documents in response to this request BellSouth absent a Motion to Compel and Order from the Commission requiring NuVox to do so.

2. Produce any documents identified in response to BellSouth's First or Second Set of Interrogatories.

OBJECTION: NuVox objects to the production of any documents regarding any interrogatory to which it has objected.

3. Produce any business case from 2000 to present in your possession, custody, or control that evaluates, discusses, analyzes or otherwise refers or relates to your actual or planned deployment of high capacity transport and/or loop facilities within the Southeastern states.

OBJECTION: NuVox objects to this request for production on the grounds that it is overbroad, irrelevant and not reasonably calculated to lead to the discovery of admissible evidence. To the extent that this request for production requests specific financial, business or proprietary information regarding NuVox's economic business model, NuVox objects to providing or producing any such information on the grounds that those requests presume that the market entry analysis is contingent upon NuVox's economic business model instead of the hypothetical business model contemplated by the TRO. The TRO explicitly contemplates that in considering whether a competing carrier economically can compete in a given market without access to a particular unbundled network element, the Commission must consider the likely revenues and costs associated with the given market based on the *most efficient business model* for entry rather than to a *particular carrier's business model*. TRO at ¶ 326. NuVox does not intend to provide documents in response to this request BellSouth absent a Motion to Compel and Order from the Commission requiring NuVox to do so.

4. Produce any business case from 2000 to present in your possession, custody, or control that evaluates, discusses, analyzes or otherwise refers or relates to your obtaining high capacity transport and/or loop facilities from other persons.

OBJECTION: NuVox objects to this request for production on the grounds stated in the objection to request for production 3 above. NuVox does not intend to provide documents in response to this request BellSouth absent a Motion to Compel and Order from the Commission required NuVox to do so.

5. Produce all documents from 2000 to present referring or relating to how you determine whether or not to deploy high capacity transport and/or loop facilities.

OBJECTION: NuVox objects to this request for production on the grounds stated in the objection to request for production 3 above. NuVox does not intend to provide documents in response to this request BellSouth absent a Motion to Compel and an Order from the Commission requiring NuVox to do so.

Respectfully submitted, this the 18th day of December, 2003.

/S/

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Attorney for
NuVox Communications, Inc.